

CLOSED, EFILE, HABEAS, INS, LEAD

**U.S. District Court**  
**United States District Court for the District of Connecticut (New Haven)**  
**CIVIL DOCKET FOR CASE #: 3:09-cv-01230-JBA**

Pierre v. Homeland Security  
Assigned to: Judge Janet Bond Arterton  
Member case: [\(View Member Case\)](#)  
Case in other court: 9mc253

Date Filed: 07/31/2009  
Date Terminated: 01/13/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Clerde Pierre**

represented by **Anne Lai**  
Jerome N. Frank Legal Services  
Organization  
Yale Law School  
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**ATTORNEY TO BE NOTICED**

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**LEAD ATTORNEY**  
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V.

**Defendant**

**Department of Homeland Security**

represented by **Douglas P. Morabito**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lana Lunskey Vahab**  
U.S. Dept. of Justice

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Consol Defendant**

**Frances Holmes**  
*Dist Dir, Dist 2, USCIS*

represented by **Lana Lunskey Vahab**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Consol Defendant**

**Ethan Enzer**  
*Field Ofc Dir, USCIS Hfd*

represented by **Lana Lunskey Vahab**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Consol Defendant**

**Janet Napolitano**  
*Sec, Homeland Security*

represented by **Lana Lunskey Vahab**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Consol Defendant**

**John Morton**  
*Asst Sec, USICE*

represented by **Lana Lunskey Vahab**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Consol Defendant**

**George Sullivan**  
*Asst Field Ofc Dir, Hfd Ofc of Detention  
and Removal Ops, Bureau of ICE*

represented by **Lana Lunskey Vahab**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Consol Defendant**

**Bruce Chadbourne**  
*Field Ofc Dir, Bureau of ICE, Boston*

represented by **Lana Lunskey Vahab**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Consol Defendant**

**Attorney General**  
*Eric Holder*

represented by **Lana Lunskey Vahab**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Consol Defendant**

**Frederick B. MacDonald**  
*Sheriff, Franklin County, MA*

**Consol Defendant**

**Forbes Byron**

*Superintendent, Franklin County Jail  
& House of Correction*

**Consol Defendant****Michael Aytes**

*Acting Dep Dir, USCIS, Dept of  
Homeland Sec*

represented by **Lana Lunskey Vahab**

(See above for address)

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/28/2009	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Clerde Pierre. (Garguilo, B) (Entered: 07/30/2009)
07/31/2009	<u>2</u>	ELECTRONIC ORDER granting <u>1</u> Motion for Leave to Proceed in forma pauperis. THIS IS THE ONLY NOTICE COUNSEL WILL RECEIVE FROM THE COURT. Signed by Judge Joan G. Margolis on 7/31/09. (Margolis, Joan) (Entered: 07/31/2009)
07/31/2009	<u>3</u>	COMPLAINT for Declaratory and Injunctive relief against Dept of Homeland Security, filed by Clerde Pierre. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Falcone, K.) (Entered: 08/05/2009)
07/31/2009	<u>4</u>	Order on Pretrial Deadlines: Motions to Dismiss due on 10/31/2009. Amended Pleadings due by 9/29/2009 Discovery due by 1/30/2010 Dispositive Motions due by 3/1/2010. Signed by Clerk on 7/31/2009. (Falcone, K.) (Entered: 08/05/2009)
07/31/2009	<u>5</u>	ELECTRONIC FILING ORDER – PLEASE ENSURE COMPLIANCE WITH COURTESY COPY REQUIREMENTS IN THIS ORDER. Signed by Judge Janet Bond Arterton on 7/31/2009. (Falcone, K.) (Entered: 08/05/2009)
08/04/2009		USM 285 forms together with Summons and all instructions mailed to IFP plaintiff's attorney to complete and return to Clerk's office. (Falcone, K.) (Entered: 08/05/2009)
08/07/2009	<u>6</u>	ORDER TO SHOW CAUSE: Defendant shall show cause on or before August 28, 2009, as to why the relief prayed for in the <u>3</u> Complaint for Declaratory and Injunctive Relief should not be granted; Plaintiff's counsel shall serve this Order, together with a copy of the Complaint, on Defendants representative as specified herein. Signed by Judge Janet Bond Arterton on 8/7/2009. (Rajendra, R.) (Entered: 08/07/2009)
08/13/2009	<u>7</u>	ENTERED IN ERROR: SUMMONS Returned Executed by Clerde Pierre. (Attachments: # <u>1</u> Exhibit A – Receipt)(Wishnie, Michael) Modified on 8/17/2009 (Falcone, K.). (Entered: 08/13/2009)
08/13/2009	<u>8</u>	ACKNOWLEDGEMENT OF SERVICE by the US Attorney's Office on 8/6/2009.Acknowledgement filed by Clerde Pierre.This is to correct docket entry 7. (Falcone, K.) (Entered: 08/17/2009)
08/27/2009	<u>9</u>	ANSWER to <u>3</u> Complaint with Affirmative Defenses and Special Defenses by Dept of Homeland Security.(Morabito, Douglas) (Entered: 08/27/2009)
08/27/2009	<u>10</u>	NOTICE of Appearance by Douglas P. Morabito on behalf of Dept of Homeland Security (Morabito, Douglas) (Entered: 08/27/2009)
10/02/2009	<u>11</u>	MOTION for Pre-Filing Conference by Clerde Pierre. (Wishnie, Michael) (Entered: 10/02/2009)
10/08/2009	<u>12</u>	ORDER granting <u>11</u> Motion for Pre-Filing Conference. A telephonic pre-filing conference will be held on October 27, 2009 at 2:00 p.m. Defense counsel shall initiate the call to chambers (203) 773-2456. Signed by Judge Janet Bond Arterton on 10/8/09. (Tooker, A.) (Entered: 10/08/2009)
10/08/2009		Set Deadlines/Hearings: Telephone Conference set for 10/27/2009 02:00 PM before Judge Janet Bond Arterton (Tooker, A.) (Entered: 10/08/2009)

11/03/2009	<u>13</u>	ORDER of Consolidation. Signed by Judge Janet Bond Arterton on 11/3/2009. (Falcone, K.) (Entered: 11/03/2009)
11/03/2009	<u>17</u>	NOTICE of Consolidation. Signed by Clerk on 11/3/2009. (Falcone, K.) (Entered: 11/05/2009)
11/04/2009	<u>14</u>	ACKNOWLEDGEMENT OF SERVICE Executed Acknowledgement filed by Clerde Pierre. (Attachments: # <u>1</u> Exhibit A – Receipt)(Ahmad, Muneer) (Entered: 11/04/2009)
11/04/2009	<u>15</u>	ORDER TO SHOW CAUSE re: Petition for Writ of Mandamus Show Cause Response due by 12/9/2009; reply by 12/23/09. Signed by Judge Janet Bond Arterton on 11/4/09. (Torday, B.) (Entered: 11/04/2009)
11/05/2009	<u>16</u>	Supplemental EXHIBIT re: <u>6</u> Order to Show Cause by Clerde Pierre. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit)(Ahmad, Muneer) Modified on 11/6/2009 to create link to document(Falcone, K.). (Entered: 11/05/2009)
11/06/2009	<u>18</u>	MOTION for Leave to Appear Law Student <i>Alice Hwang, Dale Kotchka–Alanes &amp; Rebecca Scholtz</i> by Clerde Pierre. (Attachments: # <u>1</u> Exhibit A – Law Student Alice Hwang, # <u>2</u> Exhibit B – Law Student Dale Kotchka–Alanes, # <u>3</u> Exhibit C – Law Student Rebecca Scholtz)(Ahmad, Muneer) (Entered: 11/06/2009)
12/09/2009	<u>19</u>	RESPONSE re: <u>3</u> Petition for Writ and <u>15</u> Order to Show Cause by Dept of Homeland Security, Frances Holmes, Ethan Enzer, Janet Napolitano, John Morton, George Sullivan, Bruce Chadbourne, Attorney General, Michael Aytes filed by Dept of Homeland Security. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Morabito, Douglas) Modified on 12/10/2009 to create link to documents(Falcone, K.). (Entered: 12/09/2009)
12/14/2009	<u>20</u>	ORDER granting <u>18</u> Motion to Appear Law Student. Signed by Judge Janet Bond Arterton on 12/10/09. (Tooker, A.) (Entered: 12/14/2009)
12/23/2009	<u>21</u>	AMENDED COMPLAINT against Dept of Homeland Security, Frances Holmes, Ethan Enzer, Janet Napolitano, John Morton, George Sullivan, Bruce Chadbourne, Attorney General, Frederick B. MacDonald, Forbes Byron, Michael Aytes, filed by Clerde Pierre.(Ahmad, Muneer) (Entered: 12/23/2009)
12/23/2009	<u>22</u>	Joint MOTION for Leave to File Excess Pages <i>and for Leave to File Sur–Reply</i> by Clerde Pierre. (Ahmad, Muneer) (Entered: 12/23/2009)
12/23/2009	<u>23</u>	RESPONSE re <u>19</u> Response re <u>15</u> Order to Show Cause, filed by Clerde Pierre. (Attachments: # <u>1</u> Exhibit A – 1994 N–400 Application, # <u>2</u> Exhibit B – 1994 Examination and Oath, # <u>3</u> Exhibit C – N–400 Application Correspondence, # <u>4</u> Exhibit D – BIA Decision Granting MTR, # <u>5</u> Exhibit E – Flores–Torres Decision)(Ahmad, Muneer) Modified on 12/28/2009 to create link to document(Falcone, K.). (Entered: 12/23/2009)
12/23/2009	<u>24</u>	MOTION for Leave to File Sur Reply by Clerde Pierre. Docketed to correct add second relief to docket entry 22. (Falcone, K.) (Entered: 12/28/2009)
12/31/2009	<u>25</u>	MOTION for Clarification by Dept of Homeland Security, Frances Holmes, Ethan Enzer, Janet Napolitano, John Morton, George Sullivan, Bruce Chadbourne, Attorney General, Michael Aytes. (Morabito, Douglas) (Entered: 12/31/2009)
01/04/2010	<u>26</u>	RESPONSE re <u>25</u> MOTION for Clarification filed by Clerde Pierre. (Ahmad, Muneer) (Entered: 01/04/2010)
01/05/2010	<u>27</u>	SCHEDULING ORDER: Telephonic Status Conference set for January 6, 2010 at 9:30 a.m. before Judge Janet Bond Arterton. Counsel for Respondent to initiate the call to Chambers: 203–773–2456. Signed by Judge Janet Bond Arterton on 01/05/2010. (Kretman, J.) (Entered: 01/05/2010)
01/06/2010	<u>28</u>	ORDER: Petitioner's Motion for Leave to File Excess Pages <u>22</u> is granted. Respondent's Motion for Leave to File Sur–Reply <u>24</u> is granted, and Respondent will file its sur–reply no later than January 15, 2010. Respondent's Motion for Clarification is granted as set forth on the record on January 6, 2010. Oral argument will be held on January 28, 2010 at 9:30 a.m. in Courtroom Two, 141

		Church Street, New Haven, CT before Judge Janet Bond Arterton. Signed by Judge Janet Bond Arterton on 01/06/2010. (Kretman, J.) (Entered: 01/06/2010)
01/06/2010	31	Minute Entry for proceedings held before Judge Janet Bond Arterton: Telephone Status Conference held on 1/6/2010. Total Time: 1 hours(Court Reporter Sharon Montini.) (Torday, B.) (Entered: 01/12/2010)
01/07/2010	<u>29</u>	NOTICE of Appearance by Lana Lunskey Vahab on behalf of Dept of Homeland Security, Frances Holmes, Ethan Enzer, Janet Napolitano, John Morton, George Sullivan, Bruce Chadbourne, Attorney General, Michael Aytes (Vahab, Lana) (Entered: 01/07/2010)
01/08/2010	<u>30</u>	STATUS REPORT by Clerde Pierre. (Ahmad, Muneer) (Entered: 01/08/2010)
01/15/2010	<u>32</u>	First NOTICE by Dept of Homeland Security, Frances Holmes, Ethan Enzer, Janet Napolitano, John Morton, George Sullivan, Bruce Chadbourne, Attorney General, Michael Aytes re <u>23</u> Response, <i>Sur-Reply</i> (Morabito, Douglas) (Entered: 01/15/2010)
01/28/2010	<u>33</u>	Minute Entry for proceedings held before Judge Janet Bond Arterton: Miscellaneous Hearing held on 1/28/2010. Total Time: 2 hours(Court Reporter Sharon Montini.) (Torday, B.) (Entered: 01/28/2010)
02/08/2010	<u>34</u>	NOTICE by Clerde Pierre of <i>Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A)(Ahmad, Muneer) (Entered: 02/08/2010)
02/11/2010	<u>35</u>	NOTICE by Clerde Pierre Summons Returned Executed on Frederick MacDonald and Forbes Byron regarding the Complaint in the Member case 3:09cv1231(JBA) (Attachments: # <u>1</u> Summons Returned Executed)(Falcone, K.) (Entered: 02/16/2010)
04/22/2010	<u>36</u>	MOTION for Status Conference by Clerde Pierre. (Ahmad, Muneer) (Entered: 04/22/2010)
05/07/2010	37	ORDER granting <u>36</u> Motion for Status Conference, with consent. A telephonic status conference will be held on May 21, 2010 at 12:00 noon. Plaintiff's counsel shall initiate the conference call to chambers: 203-773-2456. Signed by Judge Janet Bond Arterton on 5/6/10. (Tooker, A.) (Entered: 05/07/2010)
05/07/2010		Set Deadlines/Hearings: Telephonic Status Conference set for 5/21/2010 at 12:00 PM before Judge Janet Bond Arterton (Tooker, A.) (Entered: 05/07/2010)
05/13/2010	<u>38</u>	NOTICE by Clerde Pierre (Attachments: # <u>1</u> Exhibit A – BIA Decision)(Ahmad, Muneer) (Entered: 05/13/2010)
05/21/2010	<u>39</u>	MOTION for Leave to Appear Law Student <i>Matthew Vogel</i> by Clerde Pierre. (Attachments: # <u>1</u> Exhibit Law Student Matthew Vogel)(Ahmad, Muneer) (Entered: 05/21/2010)
05/21/2010	40	Minute Entry for proceedings held before Judge Janet Bond Arterton: Telephone Status Conference held on 5/21/2010. 45 minutes(Court Reporter S. Montini.) (Torday, B.) (Entered: 05/26/2010)
05/26/2010	<u>41</u>	NOTICE of Voluntary Dismissal of Case No. 3:09-CV-1721 by Clerde Pierre (Ahmad, Muneer) (Entered: 05/26/2010)
08/23/2010	42	ORDER granting <u>39</u> Motion to Appear Law Student. Signed by Judge Janet Bond Arterton on 8/20/10. (Tooker, A.) (Entered: 08/23/2010)
04/05/2011	<u>43</u>	MOTION for Status Conference by Clerde Pierre. (Ahmad, Muneer) (Entered: 04/05/2011)
04/15/2011	44	ORDER granting <u>43</u> Motion for Status Conference. A telephonic status conference will be held on May 23, 2011 at 4:00 p.m. Plaintiff's counsel shall initiate the conference call to chambers: 203-773-2456. Signed by Judge Janet Bond Arterton on 4/15/11. (Tooker, A.) (Entered: 04/15/2011)
04/15/2011		Set Deadlines/Hearings: Telephonic Status Conference set for 5/23/2011 04:00 PM before Judge Janet Bond Arterton. Status Report due by 5/16/2011.(Tooker, A.)



		(Entered: 04/15/2011)
05/13/2011		The telephonic Status Conference set down for 5/23/11 at 4:00 p.m. has been rescheduled to 5/24/2011 at 9:00 AM before Judge Janet Bond Arterton (Tooker, A.) (Entered: 05/13/2011)
05/17/2011	<u>45</u>	Joint STATUS REPORT by Clerde Pierre. (Ahmad, Muneer) (Entered: 05/17/2011)
05/24/2011		Set Deadlines/Hearings: Dispositive Motions due by 10/3/2011; opposition due by 10/24/2011; any reply is due by 11/7/2011. (Tooker, A.) (Entered: 05/24/2011)
05/24/2011	<u>46</u>	Joint STIPULATION <i>Regarding Document Production</i> by Clerde Pierre, Department of Homeland Security. (Ahmad, Muneer) Modified on 5/25/2011 to correct filers (Kelsey, N.). (Entered: 05/24/2011)
05/24/2011	48	Minute Entry for proceedings held before Judge Janet Bond Arterton: Telephone Status Conference held on 5/24/2011. 20 minutes(Court Reporter S. Montini.) (Torday, B.) (Entered: 05/26/2011)
05/25/2011	<u>47</u>	CERTIFICATE OF SERVICE by Clerde Pierre re <u>46</u> Stipulation <i>Regarding Document Production</i> (Ahmad, Muneer) (Entered: 05/25/2011)
06/01/2011	49	Joint Stipulation <u>46</u> is SO ORDERED. Signed by Judge Janet Bond Arterton on 5/31/11. (Tooker, A.) (Entered: 06/01/2011)
08/22/2011	<u>50</u>	MOTION for Status Conference by Clerde Pierre. (Ahmad, Muneer) (Entered: 08/22/2011)
08/24/2011	51	ORDER granting <u>50</u> Motion for Status Conference. A telephonic status conference will be held on 9/14/11 at 1:30 p.m. Plaintiff's counsel shall initiate the conference call to chambers: 203-773-2456. Signed by Judge Janet Bond Arterton on 8/23/11. (Tooker, A.) (Entered: 08/24/2011)
08/24/2011		Set Deadlines/Hearings: Status Reports due by 9/7/2011. Telephonic Status Conference set for 9/14/2011 at 1:30 PM before Judge Janet Bond Arterton (Tooker, A.) (Entered: 08/24/2011)
09/07/2011	<u>52</u>	STATUS REPORT by Clerde Pierre. (Ahmad, Muneer) (Entered: 09/07/2011)
09/12/2011	<u>53</u>	STATUS REPORT by Department of Homeland Security. (Morabito, Douglas) (Entered: 09/12/2011)
09/13/2011	<u>54</u>	NOTICE of Appearance by Anne Lai on behalf of Clerde Pierre (Lai, Anne) (Entered: 09/13/2011)
09/14/2011	55	Minute Entry for proceedings held before Judge Janet Bond Arterton: Telephone Status Conference held on 9/14/2011. 30 minutes(Court Reporter S. Montini.) (Torday, B.) (Entered: 09/27/2011)
09/19/2011		Set Deadlines/Hearings: Telephonic Pre-Filing Conference set for 10/12/2011 at 4:00 PM before Judge Janet Bond Arterton. Plaintiff's counsel shall initiate the conference call. (Tooker, A.) (Entered: 09/19/2011)
10/12/2011	56	Minute Entry for proceedings held before Judge Janet Bond Arterton: Telephone Pre-Filing Conference held on 10/12/2011. 45 minutes(Court Reporter S. Montini.) (Torday, B.) (Entered: 10/18/2011)
10/13/2011		As set forth on the record 10/12/11, the following is ordered: Cross-Motions for Summary Judgment will be filed by 11/10/2011; opposition will be filed by 12/2/11; replies, if any, will be filed by 12/16/11. Janet Bond Arterton, U.S.D.J. (Tooker, A.) (Entered: 10/13/2011)
10/24/2011	<u>57</u>	Joint STATUS REPORT by Clerde Pierre. (Lai, Anne) (Entered: 10/24/2011)
10/27/2011		Set Deadlines/Hearings: The parties' Second Joint Status Report will be filed by 12/16/2011. (Tooker, A.) (Entered: 10/27/2011)
12/16/2011	<u>58</u>	Joint STATUS REPORT by Clerde Pierre. (Lai, Anne) (Entered: 12/16/2011)

12/27/2011		Set Deadlines/Hearings: Status Report due by 1/13/2012 (Tooker, A.) (Entered: 12/27/2011)
01/12/2012	<u>59</u>	Joint STIPULATION <i>and Proposed Order for Settlement and Dismissal</i> by Clerde Pierre. (Lai, Anne) (Entered: 01/12/2012)
01/13/2012	<u>60</u>	Stipulation and ORDER DISMISSING CASE. Signed by Judge Janet Bond Arterton on 1/13/2012. (Falcone, K.) (Entered: 01/13/2012)
01/13/2012		<p>JUDICIAL PROCEEDINGS SURVEY: The following link to the confidential survey requires you to log into CM/ECF for SECURITY purposes. Once in CM/ECF you will be prompted for the case number. Although you are receiving this survey through CM/ECF, it is hosted on an independent website called SurveyMonkey. Once in SurveyMonkey, the survey is located in a secure account. The survey is not docketed and it is not sent directly to the judge. To ensure anonymity, completed surveys are held up to 90 days before they are sent to the judge for review. We hope you will take this opportunity to participate, please click on this link:</p> <p><a href="https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey">https://ecf.ctd.uscourts.gov/cgi-bin/Dispatch.pl?survey</a> (Falcone, K.) (Entered: 01/13/2012)</p>